

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

AVX CORPORATION,)	Civil Action No.: 4:07-cv-3299-TLW-TER
)	
Plaintiff,)	
)	
-vs-)	
)	ORDER
)	
HORRY LAND COMPANY, INC.)	
and UNITED STATES,)	
)	
Defendants.)	
_____)	

Presently before the Court are three Motions filed by Plaintiff AVX Corporation (AVX): Motion to Compel Concerning AVX's Second Set of Interrogatories and Third Set of Requests to Produce as to the United States of America (Document # 148), Motion to Compel as to the Response by the United States to the 30(B)(6) Notice (Document # 150), and Motion to Compel as to the United States Concerning the Deposition of Jay Brigham (Document # 151). A hearing was held on October 4, 2010.

Many of the issues raised in these Motions were resolved by the parties prior to the hearing, as is reflected in the Responses filed by Defendant United States (Documents # 160, 161, 163) and the Replies filed by AVX (Documents # 171, 173, 174). During the hearing, the parties agreed to the resolution of the remaining issues raised in the Motions. The court adopts those agreements as they were set forth on the record by the parties.

To the extent AVX seeks remedies in these Motions that were not agreed upon by the parties, the Motions are denied. The Scheduling Order (Document # 121) in place at the time the Motions were filed clearly provides that "no motions relating to discovery shall be filed until counsel have

consulted and attempted to resolve the matter as required by Local Civil Rule 7.02, and have had a telephone conference with Judge Rogers in an attempt to resolve the matter informally.” It is undisputed that counsel for AVX failed to confer with counsel for the United States or attempt to schedule an informal telephone conference with the undersigned prior to filing its Motions. AVX has not shown good cause for failing to comply with the requirements set forth in the Scheduling Order. Accordingly, the Motion to Compel Concerning AVX’s Second Set of Interrogatories and Third Set of Requests to Produce as to the United States of America (Document # 148), Motion to Compel as to the Response by the United States to the 30(B)(6) Notice (Document # 150), and Motion to Compel as to the United States Concerning the Deposition of Jay Brigham (Document # 151), to the extent they have not been agreed upon by the parties, are **DENIED**.

IT IS SO ORDERED.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

November 24, 2010
Florence, South Carolina